

ORIGINAL

FILED

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK NOV 9 PM 8:37

RENY RIVERO (PRO SE)
Plaintiff,
[vs.]

CLERK
U.S. DISTRICT COURT
E.D.N.Y.
AFTER HOURS DROP BOX

COHEN & SLAMOWITZ, LLP
Defendant.

Civil Action No. _____

CV11 - 5524 M.J.

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff RENY RIVERO, an individual consumer, against Defendants COHEN & SLAMOWITZ, LLP for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices. Also NYC DCA LOCAL LAW NUMBER 15.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. **New York City Administrative Code § 20-494 Penalties**, Local law 15. Venue in this District/ County is proper in that the defendants transact business here and the conduct complained of occurred here.

III. PARTIES

3. Plaintiff, RENY RIVERO, is a natural person residing in 131 Silver lake Road # 406, Staten Island, NY 10301.

4. Defendant, COHEN & SLAMOWITZ, LLP, is a **DOMESTIC REGISTERED LIMITED LIABILITY PARTNERSHIP** "corporation", NYC DCA License No. 1160860, engaged in the business of collecting debt in this state with its principal place of business located at **199 Crossways Park Drive, Woodbury, NY 11797-9004**. The principal purpose of Defendant is the collection of debts in this state and defendant regularly attempts to collect debts alleged to be due another.

5. Defendant(s) are engaged in the collection of debts from consumers using the mail and telephone. Defendants regularly attempt to collect consumer debts alleged to be due to another. Defendants are "debt collectors" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

7. By correspondence on the letterhead Law Office of COHEN & SLAMOWITZ, LLP, dated 11-10-10, defendant COHEN & SLAMOWITZ mailed a collection letter over the typewritten name of COHEN & SLAMOWITZ to Reny Rivero demanding payment of a debt in the amount of \$1,715.03 allegedly due CYPRESS FINANCIAL RECOVERIES, LLC. A copy is attached hereto as Exhibit A.

8. Exhibit A was received by Mr. RENY RIVERO at his residence in 131 Silver lake Road # 406, Staten Island, NY 10301.

9. The alleged debt of Mr RENY RIVERO claimed in Exhibit A was incurred for personal, family, or household services, i.e. buy foods.

10. Exhibit A stated:

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE..

11. At this time, no attorney with this firm has personally reviewed the particular circumstances of your account. However, if you fail to contact this office, our client may consider additional remedies to recover the balance due.

12. As a result of the acts alleged above, Plaintiff suffered headaches, nausea, embarrassment, and lost weight and incurred sick leave and expenses for medication and day care for dependents.

V. CLAIM FOR RELIEF

13. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

14. Defendant(s) violated the FDCPA. Defendant(s)' violations include, but are not limited to, the following:

(a) § 1692 e Any other false, deceptive, or misleading representation or

means in connection with the debt collection.

(b) § 1692 e(5) Threaten to take any action that cannot legally be taken or that is not intended to be taken.

(c) § 1692 g(B) Collector must cease collection efforts until debt is validated.

15. As a result of the foregoing violations of the FDCPA, defendants are liable to the plaintiff RENY RIVERO for declaratory judgment that defendants' conduct violated the FDCPA, actual damages, statutory damages, and costs and attorney fees.

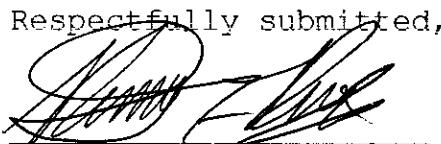
WHEREFORE, plaintiff RENY RIVERO respectfully requests that judgment be entered against defendants COHEN & SLAMOWITZ, LLP for the following:

- A. Declaratory judgment that defendants' conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages pursuant to 15 U.S.C. § 1692k;
- D. Court costs fees, Prosser Services fees; and
- E. For such other and further relief as the Court may deem just and proper.

TRIAL BY JURY DEMANDED ON ALL ACCOUNTS

Dated: November 09, 2011

Respectfully submitted,



Reny Rivero
131 silver lake road # 406
Staten Island, NY 10301
(718) 718-815-5712

Defendant COHEN & SLAMOWITZ, LLP
199 Crossways Park Drive, Woodbury, NY 11797-9004

EXIBITH A

**Law Offices of
Cohen & Slamowitz, LLP**

(800) 293-6006 ext. 8988
(516) 686-8988
Fax (516) 584-1006
Firm Representative: SHANA HUSSAIN

199 Crossways Park Drive
Woodbury, NY 11797-9004
NYC DCA License No. 1160860

November 10, 2010

LDUNNI C454759

RENY F RIVERO
131 SILVER LAKE RD APT 406
STATEN ISLAND NY 10301

Re: Original Creditor: Hsbc
Creditor: CYPRESS FINANCIAL RECOVERIES, LLC
Account No: 4663040002317382
C&S File No: C454759
Balance Due As Of November 10, 2010: \$1,715.03

Dear RENY F RIVERO:

Please be advised that the above referenced creditor has referred this account to our law office for collection. Please contact us to discuss the repayment options available to you.

At this time, no attorney with this firm has personally reviewed the particular circumstances of your account. However, if you fail to contact this office, our client may consider additional remedies to recover the balance due.

VALIDATION NOTICE

Unless you dispute the validity of this debt or any portion thereof within 30 days after receipt of this notice, the above debt will be assumed to be valid by this office. Should you notify this office in writing within 30 days after receipt of this notice that the debt or any portion thereof is disputed, we will obtain and mail to you verification of the debt or a copy of the judgment, if any, and if also requested, the name and address of the original creditor, if different from the current creditor.

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO
COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

Law Offices of Cohen and Slamowitz, LLP

P.S. All payments should be forwarded directly to this office and made payable to CYPRESS FINANCIAL RECOVERIES, LLC. Our office also accepts Western Union, Money Gram, MasterCard, Visa, Discover Card and checks via telephone, or visit our website at **WWW.CSLAWLLP.COM** to make payments online.



RENY RIVERO
131 SILVER LAKE ROAD # 406
STATEN ISLAND, NY 10301

Date: NOVEMBER 16, 2010

LAW OFFICES OF
COHEN & SLAMOWITZ, LLP
199 CROSSWAYS PARK DRIVE
WOODBURY, NY 11797-9004

Re: Original Creditor: Hsbc
Creditor: CYPRESS FINANCIAL RECOVERIES, LLC
Account No: 5491100015487526
C&S File No: C454423
Balance Due As Of November 10, 2010: \$1,795.99

Re: Original Creditor: Hsbc
Creditor: CYPRESS FINANCIAL RECOVERIES, LLC
Account No: 4663040002317382
C&S File No: C454759
Balance Due As Of November 10, 2010: \$1,715.03

RE: THE ABOVE ACCOUNTS AND ANY OTHER DEBT YOU CLAIM I OWE.

To Whom It May Concern:

This letter is being sent to you in response to all alleged debts. Be advised that this is not a refusal to pay, but a notice sent pursuant to the Fair Debt Collection Practices Act, 15 USC 1692g Sec. 809 (b) that your claim is disputed and validation is requested.

This is NOT a request for verification or proof of my mailing address, but a request for VALIDATION made pursuant to the above named Title and Section. I respectfully request that your offices provide me with competent evidence that I have any legal obligation to pay you

What I need you to provide as the debts validation is as follows:

1. What the money you say I owe is for;
2. Explain and show me how you calculated what you say I owe;
3. Provide me with copies of any papers that show I agreed to pay what you say I owe;
4. Provide a verification or copy of any judgment if applicable;
5. Identify the original creditor;
6. Prove the Statute of Limitations has not expired on these accounts
7. Show me that you are licensed to collect in my state and NY CITY
8. Provide me with your license numbers and Registered Agent
9. Proof that the collection company owns the debts/or has been assigned the debts. (You are legally entitled to collect these particular debts from me.) This is basic contract law.
10. Complete payment history, starting with the original creditor. (I need to have proof of my payment history with original Creditor, what the amount of the debts were when the creditor assigned the debts to your company, and what fees/interest has been tacked on to these debts and how you/they

determined these fees.) This requirement was established by the case Fields v. Wilber Law Firm, Donald L. Wilber and Kenneth Wilber, USCA-02-C-0072, 7th Circuit Court, Sept 2004..

11. Copy of the original signed loan agreements or credit card applications. (My contracts with the original creditor establishing the debts between us.) This is also basic contract law.

At this time I will also inform you that if your offices have reported invalidated information to any of the 3 major Credit Bureau's (Equifax, Experian or TransUnion) this action might constitute fraud under both Federal and State Laws. Due to this fact, if any negative mark is found on any of my credit reports by your company or the company that you represent

I will not hesitate in bringing legal action against you for the following:

1. Violation of the Fair Credit Reporting Act
2. Violation of the Fair Debt Collection Practices Act
3. Defamation of Character

If your offices are able to provide the proper documentation as requested in the following declaration, I will require at least 30 days investigating this information and during such time all collection activity must cease and desist.

Also during this validation period, if any action is taken which could be considered detrimental to any of my credit reports, I will consult with my legal counsel for suit. This includes any listing any information to a credit reporting repository that could be inaccurate or invalidated or verifying an account as accurate when in fact there is no provided proof that it is.

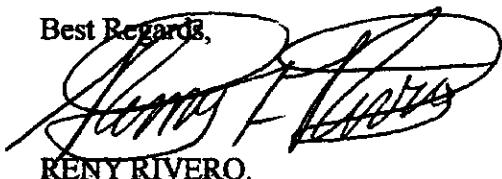
If your offices fail to respond to this validation request within 30 days from the date of your receipt, all references to this account must be deleted and completely removed from my credit file and a copy of such deletion request shall be sent to me immediately.

I would also like to request, in writing, that no telephone contact be made by your offices to my home or to my place of employment. If your offices attempt telephone communication with me, including but not limited to computer generated calls and calls or correspondence sent to or with any third parties, it will be considered harassment and I will have no choice but to file suit. All future communications with me MUST be done in writing and sent to the address noted in this letter by USPS.

It would be advisable that you assure that your records are in order before I am forced to take legal action.

Please read the enclosure for an opinion regarding matters such as these from the Federal Trade Commission

Best Regards,



RENY RIVERO.

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Track & Confirm

Search Results

Label/Receipt Number: **7009 2820 0002 0584 8520**
Status: Delivered

Your item was delivered at 12:03 pm on November 19, 2010 in
WOODBURY, NY 11797. A proof of delivery record may be available
through your local Post Office for a fee.

Additional information for this item is stored in files offline.

[Track & Confirm](#)

Enter Label/Receipt Number.

[Restore Offline Details >](#) [Return to USPS.com Home >](#)

Law office of Cohen & Saks now 11/17/10

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